

State of Utah  
Administrative Rule Analysis

**NOTICE OF PROPOSED RULE OR CHANGE**

The agency identified below in box 1 provides notice of proposed rule or change pursuant to Utah Code Subsections 63-46a-4(2) and (4). Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

<b>State of Utah</b> Division of Administrative Rules (DAR) 4120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-1773 State E-mail: <i>asdomain.asitmain.rules</i>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2">DAR file no.:</td></tr><tr><td>Utah Admin. Code ref. (R no.):</td><td>R156-73</td></tr><tr><td>Date filed:</td><td></td></tr><tr><td>Time filed:</td><td></td></tr><tr><td>Received by:</td><td></td></tr></table>	DAR file no.:		Utah Admin. Code ref. (R no.):	R156-73	Date filed:		Time filed:		Received by:	
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1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Room no., building:	Heber M. Wells Building - 4th Floor
Street address:	160 East 300 South
Mailing address:	PO Box 146741
City, state ZIP:	Salt Lake City UT 84114-6741
Contact person:	Daniel T. Jones
Telephone:	(801) 530-6767
FAX:	(801) 530-6511
Internet E-mail:	dantjones@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):  
Chiropractic Physician Practice Act Rules

3. Type of notice:

Proposed rules	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Repeal
	<input type="checkbox"/> Repeal and reenact		

Other rule types ☐ Change in proposed rule (changes original proposed rule file no.: \_\_\_\_\_)

4. Purpose of the rule or reason for the change:

The Division and the Chiropractic Physician Licensing Board have determined that changes need to be made in the rule to remain in line with national trends in the chiropractic industry. Also, during the 2001 legislative session, SB 132 was passed which mandated the establishment of standards for licensed chiropractic physicians providing chiropractic services on animals.

5. This rule or change is a response to comments by the Administrative Rules Review Committee.

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> S	<input type="checkbox"/>

6. Summary of the rule or change:

In Section 102-Definitions: Added a definition for "preceptor". In Section 303a-Continuing Education/Renewal Requirement: Changed the number of continuing education hours a licensed chiropractic physician needs every two years from 24 hours to 40 hours. In Section 303b-Continuing Education/Standards: Changed that a licensed chiropractic

physician is required to maintain records of completed continuing education hours from two years to four years. Also added that the Chiropractic Physicians Licensing Board may waive the completion of continuing education hours upon sufficient evidence of hardship or illness or other reason that makes it impossible or highly impractical for the licensed chiropractic physician to complete the required hours. In Section 304-Preceptorship/Approved Form of Supervision: Changed that the supervising preceptor shall "be licensed in good standing in Utah and have practiced as a licensed chiropractic physician for the past five years". Deleted the requirement that the preceptor remain on the premises at all times while the preceptee is performing any clinical procedures. Replaced the prior requirement with the following: "A supervising preceptor shall provide direct supervision on the premises, either personally, or by delegating to another chiropractic physician who is licensed in good standing in Utah and who has practiced as a licensed chiropractic physician for the past five years. Also added those specific procedures when a supervising preceptor or his designee must remain on the premises. Section 603 was added to provide the standards for the practice of animal chiropractic.

7. Aggregate anticipated cost or savings to:

State budget: The Division will incur minimal costs, less than \$100, to reprint this rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

Local government: Proposed rule amendments do not apply to local governments.

Other persons: Licensed chiropractic physicians: The Division estimates it will cost each licensed chiropractic physician approximately \$15-\$17 per hour to complete the additional 16 hours of continuing education every two years (\$272 per licensee). There are currently 748 licensed chiropractic physicians in Utah. Therefore, an aggregate cost to the chiropractic industry would be approximately \$203,456.00 every two years. As a result of increased costs to the licensed chiropractic physician to obtain required continuing education every two years, some of the costs may be passed along to the client. However, this could vary from licensee to licensee. The Division estimates that an animal chiropractic course will cost approximately \$17 per hour and 180 hours are required in the animal chiropractic course. Therefore, a total one-time cost of \$3,060 is anticipated for those licensed chiropractic physicians that want to practice animal chiropractic. It should be noted that this requirement is entirely voluntarily as the requirements only pertain to those chiropractic physicians that want to practice animal chiropractic.

8. Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Licensed chiropractic physicians: The Division estimates it will cost each licensed chiropractic physician approximately \$15-\$17 per hour to complete the additional 16 hours of continuing education every two years for a total of \$272.00. If a licensed chiropractic physician wants to practice animal chiropractic, the Division estimates it will cost the chiropractic physician approximately \$3,060 (\$17 per hour x 180 hours) to complete the required training.

9. Comments by the department head on the fiscal impact the rule may have on businesses:

In line with the national trend in the chiropractic industry, this rule change increases the number of required continuing education hours for licensees by 16 credit hours for each two-year period. This change will impact the chiropractic industry for a cost of approximately \$15-\$17 for each credit hour, and the cost will then be passed onto the consumer. There are currently 748 licensed chiropractic physicians in Utah. Therefore, at the high end, we could be looking at an impact of approximately \$203,456.00 to the chiropractic industry every two years. The addition of the animal chiropractor education requirement was passed by the 2001 Legislature in Title 58, Chapter 28 of the Utah Code. Therefore, this rule change creates no further business impact. Ted Boyer, Executive Director

10. This rule or change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required): Section 58-73-101 and Subsections 58-1-106(1) and 58-1-202(1)

Federal citations (optional):

11. This rule or change adds or updates an incorporated reference (submit a copy to DAR): Ye X No  
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Reference title and date of issue or edition:

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an

association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the *Utah State Bulletin*. See Section 63-46a-5 and Rule R15-1 for more information.)

Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 07/01/2002

A public hearing (optional) will be held on (mm/dd/yyyy): 06/13/2002 at (time): 9:00 am

at (place): 160 East 300 South, Conference Room 428 (4th Floor), Salt Lake City, Utah

13. This rule or change may become effective on (mm/dd/yyyy): 07/02/2002

14. Indexing information - keywords (maximum of four, in lower case):

chiropractors, licensing, chiropractic physician

15. Indexing information - affected industries (two-digit SIC codes):

n/a

16. Attach a WordPerfect document containing the text of this rule or change (filename): R156-73.pro

**To the agency:** Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms may be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

#### AGENCY AUTHORIZATION

Agency head or designee,  
and title:

J. Craig Jackson, Director

Date  
(mm/dd/yyyy):

05/14/2002

R156. Commerce, Occupational and Professional Licensing.

R156-73. Chiropractic Physician Practice Act Rules.

R156-73-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 73, as used in Title 58, Chapters 1 and 73, or these rules:

(1) "Clinical acupuncture" means the application of mechanical, thermal, manual, and/or electrical stimulation of acupuncture points and meridians, including the insertion of needles, by a chiropractic physician that has demonstrated competency and training by completing a recognized course that is sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b.

(2) "Indirect supervision" means the supervising licensed chiropractic physician shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face to face consultation and review of cases at the chiropractic facility for the chiropractic intern, temporarily licensed or unlicensed person being supervised.

(3) "Preceptor" means a licensed chiropractic physician who is a supervisor of interns and externs in the professional practice of chiropractic.

(4) "Preceptorship" means a supervised training program established by a written contract between a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., and a licensee for the purpose of providing chiropractic training to a student enrolled in the chiropractic college or university while under the supervision of a licensee.

[(4)]5) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-501.

R156-73-303a. Continuing Education - Renewal Requirement.

(1) In accordance with Subsection 58-73-303(2), each licensee shall complete [24]40 hours of continuing education in each preceding two year period of licensure.

(2) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be prorated to the part of that two year period during which the person is licensed.

R156-73-303b. Continuing Education - Standards.

(1) The standards for continuing education are as follows:

(a) the content must be relevant to chiropractic practice and consistent with the laws and rules of this state;

(b) the course must be under the sponsorship of or approved by:

(i) a chiropractic college or university whose doctor of chiropractic program is accredited by the Council on Chiropractic Education, Inc.;

(ii) a professional association or nonprofit organization representing a licensed profession whose program objectives relate to the practice of chiropractic; or

(iii) the licensing agency of another state;

(c) learning objectives must be reasonably and clearly stated;

- (d) teaching methods must be clearly stated and appropriate;
- (e) faculty must be qualified, both in experience and in teaching expertise;
- (f) documentation of attendance must be provided; and
- (g) there shall be no more than four clock hours related to chiropractic practice marketing or practice building.

(2) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of ~~[two]~~four years after close of the two year period to which the records pertain.

(3) The board may, after review, waive the continuing education requirements for a licensee presenting sufficient evidence of hardship or illness or other reason making it impossible or highly impractical for the licensee to attend or have attended a sufficient number of continuing education classes.

#### R156-73-304. Preceptorship - Approved Form of Supervision.

In accordance with Subsection 58-73-304(2), the approved form of supervision is defined, clarified or established as follows:

(1) ~~[t]~~The supervising preceptor shall:

(a) ~~[be currently licensed in good standing in Utah]~~be licensed in good standing in Utah and have practiced as a licensed chiropractic physician for the past five years;

(b) have entered into a written contract with an approved college or university to provide chiropractic training to a preceptee; and

(c) ~~[remain on the premises at all times while the preceptee is performing any clinical procedures]~~provide direct supervision on the premises, either personally or by delegating to another chiropractic physician who is licensed in good standing in Utah and who has practiced as a licensed chiropractic physician for the past five years.

(2) The preceptor or his designee must remain on the premises at all times while the preceptee is performing the following procedures:

(a) adjusting of the articulation of the spinal column;

(b) diagnosis of the articulation of the spinal column;

(c) manipulation of the articulation of the spinal column; and

(d) therapeutic positioning of the articulation of the spinal column.

#### R156-73-603. Standards for Practice of Animal Chiropractic.

In accordance with Subsection 58-28-8(12)(a), a chiropractic physician practicing animal chiropractic shall have completed an animal chiropractic course approved by the American Chiropractic Veterinary Association (ACVA) or another course that is substantially equivalent to the ACVA course.

KEY: chiropractors, licensing, chiropractic physician[\*]

~~[July 5, 2001]~~2002

Notice of Continuation July 5, 2001

58-73-101

58-1-106(1)

58-1-202(1)